

**Remarks**

In the action, claims 8 and 14 were rejected as anticipated by Ekquist (U.S. 5,653,315) and claims 1-15 were rejected as anticipated by Hamilton (U.S. 6,502,837)

New claims 16 and 17 are added. Claims 1-17 are now pending.

***Claim Rejections - 35 USC 102(b)***

**Claims 8, 14 and 16**

The rejection of claims 8 and 14 as being anticipated by Ekquist is respectfully traversed. Independent claims 8 and 14 have been respectively amended to clarify that “each damper assembly includes a damper body and both the local controller and the sensor are located on or within the damper body so that the damper body, sensor and local controller are mounted together as a unit between the vehicle body and the corresponding vehicle wheel” (claim 8) and that “each damper assembly includes a damper body and the local controller and associated damping component drive unit are located on or within the damper body so that the damper body, local controller and associated damping component drive unit are mounted together as a unit in association with the respective vehicle wheel” (claim 14). In contrast, Ekquist specifically teaches that the local controllers 34 are NOT connected with the body of the damper 10 itself. Specifically, see Fig. 1 where the controllers 34 are located away from the dampers 10; also see Ekquist at col. 10, lines 33-52 and col. 15, lines 40-43. Thus, Elkquist teaches away from the invention defined by claims 8 and 14. Accordingly, withdrawal of the rejection based upon Elkquist is appropriate.

The rejection of claims 8 and 14 as being anticipated by Hamilton is respectfully traversed. Claims 8 and 14 have been amended respectively to clearly indicate that “the local controller of each damper assembly operates as an independent control and controls its damper assembly without reference to control operations being carried out by the local controllers of other damper assemblies and without input from any central controller” (claim 8) and the step of “configuring the local controller of each damper assembly to act as an independent control to effect one or more local suspension control functions without reference to local suspension control functions being carried out by the other damper assemblies, each local controller configured in a stand-

alone manner” (claim 14). This language requires a system in which there is no central controller provided in the suspension control system. By contrast, Hamilton specifically teaches that the local controllers 220 require interaction with a central controller 216 in order to carry out control functions of the dampers 212. Specifically, see Hamilton at col. 7, lines 21-23 and 45-50; col. 9, lines 52-65; col. 10, lines 20-23 and 47-48; col. 12, lines 1-3; and col. 13, lines 20-23. Applicant has found no teaching or suggestion in Hamilton for the use of damper assemblies having local controllers that operate independently of any central controller. Accordingly, claims 8 and 14 are patentably distinct over Hamilton and withdrawal of the rejection is requested. New dependent claim 16 further specifies that the damper body of each damper assembly includes an external housing compartment containing the local controller. In contrast, Hamilton teaches mounting its local controller within the damper body per Fig. 10.

Claims 1-7, 9-13, 15 and 17

The rejection of claims 1-7, 9-13 and 15 as being anticipated by Hamilton is respectfully traversed.

Claim 1 expressly states that “at least during certain times, the local controller of each damper assembly controls the damper assembly independently of the central controller for carrying out at least one local suspension control function of the damper assembly.” In contrast, Hamilton fails to provide any teaching or suggestion that the local controllers of the Hamilton dampers ever operate independently of the central controller. The Examiner notes that the local controller requires data from the CCM in order to calculate the rebound and compression forces. Thus, at the very least, the local controller specifically looks to the CCM for data each time it makes such a calculation (see specifically Fig. 3 at step 304). Thus, the Hamilton local controller does not operate “independently of the central controller” to carry out local suspension control functions. Also see Hamilton at col. 7, lines 21-23 and 45-50; col. 9, lines 52-65; col. 10, lines 20-23 and 47-48; col. 12, lines 1-3; and col. 13, lines 20-23. The meaning of the word “independently” is apparent on its face and as used in the claim requires that the local controller does not look to or receive any specific new information from the central controller each time the local controller carries out the local suspension control function. Accordingly, claim 1 is patentably

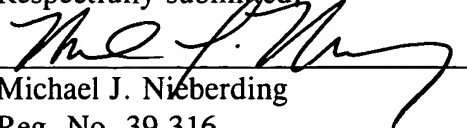
distinguishable over Hamilton and withdrawal of the rejection is requested. The rejection of dependent claims 2-6 should be withdrawn for at least the same reasons.

Claim 7 expressly states that “the local controller of each damper assembly normally controls the damper assembly independently of the central controller for carrying out at least one local suspension control function of the damper assembly.” As pointed out above, Hamilton does not teach the use of local controllers that normally operate independently of the central controller for carrying out local suspension control functions. Accordingly, withdrawal of the rejection is respectfully requested.

Claim 9 is directed to a self-contained piston damper unit that includes a relative velocity sensor providing an output indicative of relative velocity as between the piston rod and damper body, where the damper body, piston rod, relative velocity sensor and local controller with damper coil drive unit are integrated into a single assembly mountable as a unit to a vehicle. In contrast, Hamilton teaches the use of a position sensor 190, not a relative velocity sensor. Thus, claim 9 is patentably distinguishable over Hamilton for at least this reason. Dependent claims 10-13 and 17 are patentable for at least the same reason.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of any claim prior to its amendment or of any claim cancelled.

Respectfully submitted,



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